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| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) 9405-400-US-4 |
| <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p> | | <p>Application Number 10/579,377</p> <p>Filed 05/12/2006</p> <p>First Named Inventor David A. Schleppenbach</p> <p>Art Unit 2626</p> <p>Examiner ADESANYA, OLUJIMI</p> |
| <p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> | | |
| <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 43,176 Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> | | |
| <p><i>Keith J. Swedo</i> Signature</p> <p>Keith J. Swedo Typed or printed name</p> <p>317-713-3446 Telephone number</p> <p>April 13, 2009 Date</p> | | |
| <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p> | | |

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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REMARKS

In the Final Office Action of 01/13/2009, the Examiner rejected Claims 17 and 18 under 35 U.S.C. 103(a) as being unpatentable over Raman in view of Chaney (US 6,104,990).

After considering the Final Office Action, Appellants submit that at least one limitation of each of claims 17-18 is not met by the cited references.

CLAIM 17

Claim 17 depends from claim 12, which, in turn, depends from claim 1. Claims 1, 12 and 17 recite as follows:

1. A method of communicating a technical notation to a user, the method comprising the steps of: converting the notation into data, inputting the data into a processor to produce inputted data for processing, said processing including using a lexicon to convert the inputted data into outputted data, the lexicon including reserved words, each of the reserved words preceding a respective data element and independently indicating a level of the respective data element within a hierarchy of subscripts and superscripts relative to a base level, and outputting the outputted data into a format decipherable by the user.
12. The method of claim 1, wherein an audio output stream is generated through use of said outputting step.
17. The method of claim 12 wherein the audio output stream is settable to different levels of verbosity.

(Emphasis Added).

The subject matter of claim 17 is disclosed at paragraph [0068] of the present specification:

Verbosity Controls--Different levels of verbosity (e.g. Maximum Verbosity, Verbose, Brief, and SuperBrief) are disclosed, each of which having a set of rules that lengthens or shortens the audio stream depending upon how much information the reader requires or desires. For example, "BEGIN FRACTION" is shortened to "B-FRAC" at the lower verbosity settings.

As the Examiner acknowledges, Raman does not explicitly disclose wherein the audio output stream is settable to different levels of verbosity.

CHANAY

Chaney is directed to:

[a] method of extracting significant phrases from one or more documents stored in a computer-readable medium. A sequence of words is read from the one or more documents and a score is determined for each word in the sequence based on the length of the word. The score for each word in the sequence is compared against a threshold score. The sequence of words is indicated to be a significant phrase if the number of words in the sequences that have a score greater than the threshold score equals or exceeds a predetermined number.

(See Abstract).

The Examiner cites column 6, lines 56-50 and column 7, lines 14-20 of Chaney as teaching the setting of different levels of verbosity:

The software routines that can be called by application programs define an application programming interface (API) and . . . provide a verbosity setting to the phrase extraction engine to control the verbosity of phrases considered by the phrase extraction engine to be significant phrases.

(Emphasis added; column 6, lines 52-60).

Also, the verbosity setting may be user supplied or automatically determined. Moreover, because the number of significant phrases found in a given document decreases as the verbosity level goes up (i.e., as more selective phrase identification criteria are used), the verbosity setting may be changed dynamically to scale the number of significant phrases in the output list of phrases 625 to fall within a user selected range or at a user selected target.

(Emphasis added; column 7, lines 13-20).

ARGUMENT

A. Chaney does not disclose that an output stream is settable to different levels of verbosity, as recited by claim 17.

Appellants respectfully submit that Chaney does not disclose that an output stream is settable to different levels of verbosity, as recited by claim 17. That is, Chaney does not alter or adjust an established output based upon a level of verbosity. Rather, Chaney sets a word length as a threshold for deciding whether a phrase is to be considered significant enough to be included in a phrase list. The word length of the phrase, or “verbosity,” is used as a proxy for the significance of the phrase. However, the method of Chaney does not change the verbosity of an output stream itself, and does not change the verbosity of individual words that make up an output stream.

Claim 17 recites that “the audio stream is settable to different levels of verbosity”, which, in view of paragraph [0068] of the present specification, requires that the verbosity of individual words within an audio output stream be adjustable or “settable.” “For example, ‘BEGIN FRACTION’ is shortened to ‘B-FRAC’ at the lower verbosity settings.” (paragraph [0068]). Chaney, in contrast, discloses that individual words in a document are not adjusted, but rather the lengths of the words are used as a filter in determining whether the words should be included in a list.

Per claim 17, the verbosity of the audio stream itself is settable. That is, the information in the audio stream is fixed, but the verbosity of the audio stream in conveying the fixed information is settable. In Chaney, in contrast, the verbosity of an output stream is not settable, but rather verbosity is used as a filter (i.e., a verbosity threshold is set) to determine what information is included in the list of phrases. Once a list of phrases is established, its verbosity cannot be adjusted and is not settable.

B. Chaney teaches away from the invention of claim 17.

Chaney actually teaches away from setting the verbosity of an output stream to different levels. Specifically, Chaney teaches away from selecting phrases for inclusion in the phrase list based on whether the words in the phrases are abbreviated. Rather, Chaney teaches that phrases are selected for the phrase list based on their importance or significance, and the number of letters in the unabbreviated form of the words is used as a proxy for the importance or significance of the word. However, if two streams convey identical information but the words in the streams have different levels of verbosity (e.g., if the words in one stream are abbreviations of the words in the other stream), then Chaney teaches that the two streams should be considered on an equal basis for inclusion in the final output stream. More particularly, Chaney teaches that “a score is assigned to each word in the sequence of words based on the length of the word.” However, “well known abbreviations and acronyms may be assigned increased scores.” (column 3, lines 38-45). The operation of decision block 301 (Fig. 3) “is useful to prevent a word such as an abbreviation or acronym from being interpreted to be an insignificant word.” (column 4, line 66 through column 5, line 4). A “table of fixed length words 611 is used to set scores for certain words (e.g., abbreviations or acronyms).” (column 7, lines 21-23). Thus, the “verbosity” setting selected by the user in Chaney actually sets the level of significance of the phrases that are to be selected for the phrase list. However, the “verbosity” setting selected by the user of Chaney does not set the verbosity, or level of abbreviation, of the words of the output stream. Rather, in Chaney, abbreviated words (low verbosity) are treated as being equal to unabbreviated words (high verbosity) when being considered for inclusion in the phrase list. Thus, the term “verbosity setting” as used in Chaney is a misnomer. It could more accurately be referred to as a “significance setting.” This contrary to the present invention in which the verbosity setting establishes what level of abbreviation is included in the output stream. In Chaney, the verbosity setting has no effect on what level of abbreviation is included in the phrase list.

Accordingly, Chaney actually teaches away from setting the verbosity of an output stream to different levels, as recited by claim 17.

CONCLUSION

For all of the above reasons, Appellants submit that claim 17, and claim 18 depending therefrom, are in condition for allowance, which is hereby respectfully requested.

In the event any issue(s) remain that could be resolved by telephone, the undersigned invites the panel of Examiners to contact him to expedite the review of appealable issues.

Respectfully submitted,

/Keith J. Swedo/ *April 13, 2009*

Keith J. Swedo, Reg. No. 43,176
Taft Stettinius & Hollister LLP
One Indiana Square
Suite 3500
Indianapolis, Indiana 46204-2023
Phone: (317) 713-3500
Fax: (317) 713-3699